

TITLE	Twyford Neighbourhood Development Plan – Regulation 16 Consultation And Future Examination
FOR CONSIDERATION BY	The Executive on Thursday, 29 September 2022
WARD	Twyford;
LEAD OFFICER	Director, Place and Growth - Steve Moore
LEAD MEMBER	Executive Member for Planning and Local Plan - Lindsay Ferris

PURPOSE OF REPORT (INC STRATEGIC OUTCOMES)

Twyford Parish Council has produced a draft Neighbourhood Plan which proposes a series of planning policies that will work alongside the council's local plan to manage development.

This report seeks approval to consult on the draft Plan and procure an independent examiner, who will subsequently examine the draft Plan, which includes considering all the representations submitted during the consultation. Consultation and examination are requirements of the governing regulations.

RECOMMENDATION

That the Executive:

- 1) approve a 6-week consultation on the draft Twyford Neighbourhood Plan (Appendix A); and
- 2) agrees to appoint an examiner to independently examine the draft Twyford Neighbourhood Plan, delegating the appointment and submission of the examination documentation to the Director of Place and Growth in consultation with the Lead Member for Planning and Local Plan.

EXECUTIVE SUMMARY

Twyford Parish Council has produced a draft Neighbourhood Development Plan (Appendix A) ***(due to the size of this document it is not included in the agenda. A copy can be found on the website or made available on request through Democratic Services)*** which if progressed to being made (adopted) will sit alongside the council's planning policies to help shape how development is managed in their area. The submission draft Plan contains a number of policies on issues including housing (including First Homes); climate change mitigation; the natural, built and historic environment; community facilities; retail centres and active travel and highways. The submission draft Plan does not include any site allocations for development.

In addition, the submission draft Plan is supported by two key pieces of technical evidence: a Housing Needs Assessment (Appendix B) and a Design Guidelines and Code report (Appendix C).

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the council must carry out a minimum six-week consultation on the

submission draft Plan to invite comments from the public, statutory consultees, and interested parties and must arrange for an independent examination to take place. This report seeks approval to carry out the required publication and consultation and to appoint an examiner to undertake the necessary examination. If approved, the consultation could take place from Monday 10 October to Monday 21 November 2022.

At the current stage, the council is not required to reach a formal view on whether the submission draft Plan meets the basic conditions¹, but must be satisfied that the proper legal process has been carried out. Officers have been engaged with the parish council throughout its preparation. Several of the matters raised by officers have been addressed, with any remaining issues capable of being for the examiner to determine through the examination process. To raise these matters the council will need to submit formal representations to the proposed draft Plan consultation. The council's comments do not fall within the scope of this recommended Executive decision but will be agreed via the Individual Executive Member Decision process. The types of comments that the council will wish to make are as follows:

- Identifying areas where draft policy diverges from the council's adopted Core Strategy and Managing Development Delivery local plans and supplementary guidance.
- Identifying where supporting evidence to some draft policy areas is considered by the council to be insufficient. Examples previously highlighted as areas of concern to the parish council include the deliverability and implementation of requirements in the submission draft Plan, including Policy TW10 (Zero Carbon Buildings)
- Identifying areas where greater clarity would aid decision takers.
- General phraseology amendments of policy and supporting text to improve clarity and application of policy.

The costs of undertaking the consultation and examination can be met from the existing revenue budget, subject to recovery from government grant.

For clarity, any post examination processes and programmes will be subject to a further decision of the council's Executive and Full Council.

Upon adoption, the Twyford Neighbourhood Plan will form part of the statutory development plan alongside the council's local plans and be part of the starting point for the determination of planning applications and appeals in or affecting Twyford Parish. Once adopted, the parish council will also benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area thereafter. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood plan in place.

¹ As can be seen at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

BACKGROUND

Neighbourhood Planning

Neighbourhood planning was introduced through the Localism Act 2011 and is a means for local communities to take the lead on shaping how their area is developed. Communities can prepare Neighbourhood Development Plans (often referred to as Neighbourhood Plans) which set out specific planning policies to help shape and guide development in their area.

The broad stages in producing a neighbourhood plan are as follows:

- 1) Designating a neighbourhood area
- 2) Preparing a draft neighbourhood development plan
- 3) Pre-submission publicity & consultation
- 4) Submission of a neighbourhood development plan to the local planning authority
- 5) Submission draft plan consultation
- 6) Independent examination
- 7) Referendum
- 8) Bringing the neighbourhood development plan into force

This report seeks approval to undertake stages 5 and 6 for the draft neighbourhood development plan produced by Twyford Parish Council.

Twyford Neighbourhood Plan progress to date

Twyford Parish Council began work on producing a neighbourhood development plan (hereafter referred to as the draft Plan) shortly after being designated a neighbourhood area by the council in August 2018. The parish council undertook a consultation on their pre-submission draft Plan (Regulation 14) in April to May 2022.

Working with the council officers, the parish council has considered the consultation responses on the pre-submission draft Plan and has made a number of amendments. The parish council subsequently submitted the submission draft Plan to the council.

Under the regulations governing neighbourhood development plans, the council is now required to publicise the submission draft Plan for consultation and arrange an independent examination.

The submission draft Plan contains policies on issues including housing (including First Homes); climate change mitigation, the natural, built and historic environment; community facilities; retail centres and active travel and highways. The submission draft Plan does not allocate land for development.

The submission draft Plan is supported by two key pieces of technical evidence: a Housing Needs Assessment (Appendix B) and a Design Guidelines and Codes report (Appendix C).

The Housing Needs Assessment, produced by AECOM, provides local evidence to support the policies regarding the future development of housing in Twyford Parish.

The Design Guidelines and Codes report, also produced by AECOM, identifies the key and distinctive features of Twyford Parish and sets out some guiding principles to

ensure that any future development proposals respond to and contribute to the local character and distinctiveness of the area.

Analysis of Issues

Whilst the early stages in the preparation of a neighbourhood development plan are led by the parish council, the governing regulations requires the later stages to be managed by the council as the local planning authority.

Now that the submission draft Plan has been received, the council must publicise it for a minimum regulatory six-week consultation and invite representations (known as the Regulation 16 consultation).²

Concurrent with the consultation, the council will need to appoint an examiner to undertake the subsequent stage of independent examination. The examiner's role will be to independently test whether the submission draft Plan meets the basic conditions³, and other matters set out in regulations⁴.

The examination will take place following the consultation, and typically take place via written representations without the need for a public hearing. Where additional points of clarity are required by the examiner, these can be sent to the examiner in writing and made publicly available by the council. Where necessary however, examiners may hold hearing sessions to assist their consideration of specific issues.

The approval of Executive is requested to publish the submission draft Plan for consultation and begin the process of appointing an examiner. An examiner will be appointed using the Neighbourhood Planning Independent Examiner Referral Service (NPIERS). This service allows for a shortlist of highly experienced examiners to be provided to the council and parish council, who will then jointly decide who to appoint based on an assessment of their application and CV. All NPIERS examiners carry a standard daily fee.

The council is not required at this time to come to a formal view on whether or not the submission draft Plan meets the basic conditions but must be satisfied that the proper legal process has been carried out. Officers have been actively engaged with the parish council throughout the various stages in the preparation of the draft Plan. Several of the matters raised by officers have been addressed, with any remaining matters capable of being considered by the examiner through the examination process. To raise these matters the council will need to submit formal representations to the proposed consultation. The council's comments do not fall within the scope of this Executive decision but will be agreed via the Individual Executive Member Decision process in due course. The types of comments that the council will wish to make are as follows:

- Identifying areas where neighbourhood plan policy diverges from the council's adopted Core Strategy and Managing Development Delivery local plans and supplementary guidance.

² Of the [Neighbourhood Planning \(General\) Regulations 2012 \(as amended\)](#)

³ As can be seen at: <https://www.gov.uk/guidance/neighbourhood-planning--2#basic-conditions-for-neighbourhood-plan-to-referendum>

⁴ paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended)

- Identifying where supporting evidence to some policy areas is considered by the council to be insufficient. Examples previously highlighted as areas of concern to the parish council include the deliverability and implementation of certain policy requirements in the submission draft Plan, including Policy TW10 (Zero Carbon Buildings).
- Identifying areas where greater clarity would aid decision takers.
- General phraseology amendments of policy and supporting text to improve clarity and application of policy.

This report recommends that Executive approve the publication and consultation on the submission draft Plan and the approval to appoint an examiner.

Consultation

Subject to the approval of Executive, consultation could be undertaken from Monday 10 October to Monday 21 November 2022. The submission draft Plan will be publicised and documents made available in accordance with the council's Statement of Community Involvement⁵.

Future steps

Following the publication of the submission draft Plan, there is no prescribed timeframe in which an independent examination should take place. It will be at the examiner's discretion whether or not any hearings are required to consider aspects of the draft Plan. If hearings are required, this is likely to increase the time and cost of the examination process.

Following the examination process, the examiner will make recommendations on any changes that are required in order for the submission draft Plan to satisfy the basic conditions and advise whether it should proceed to the next stage of a referendum. Following receipt of the examiner's report, the council will need to consider the recommendations and decide what action to take. This includes coming to a formal view on whether the submission draft Plan meets the basic conditions and whether to accept or not the examiner's recommended modifications. If the council agrees the plan meets the basic conditions, it will be responsible for arranging and holding the referendum on whether the draft Plan should be made and use alongside the wider development plan as the starting point for determining planning applications and appeals. A referendum could take place later in autumn 2022.

Should more than half of those voting in a referendum do so in favour of making the draft Plan, a neighbourhood development plan is required to be adopted.

For clarity, any post examination processes and programmes will be subject to a further decision of the Executive and Council. As set out in this report, the current recommendations relate solely to carrying out consultation on the submission draft Plan under Regulation 16 and the process to appoint an examiner to undertake the examination.

⁵ Which can be viewed on the Council's website: <http://www.wokingham.gov.uk/planning-policy/planning-policy-information/local-plan-and-planning-policies/>

BUSINESS CASE

Need for the decision

In accordance with the Neighbourhood Planning (General) Regulations 2012 (as amended), the council must carry out a minimum six-week consultation on the submission draft Plan to invite comments from the public, statutory consultees, and interested parties. It must also arrange for an independent examination to take place. The current recommendation facilitates the council carrying out its legal duties.

Alternative options

There is no alternative option that could be considered for taking the submission draft Plan forward to being made (adoption).

Risks

No risks are apparent to progressing the submission draft Plan to consultation and examination.

With regard to future stages beyond the scope of this report, the main risk is whether the submission draft Plan will be found through the examination process to meet the basic conditions. This risk is considered to be low with officers having been actively engaged with the parish council throughout its preparation. Issues raised by officers have, for the most part, largely been addressed through the drafting process. Outstanding issues can reasonably be addressed by the examiner through the examination process. To do this, the council will need to submit formal representations on the submission draft Plan in the same way as other stakeholders. The council's comments will be agreed in consultation with the Executive Member for Planning and Enforcement via the Individual Executive Member Decision process.

Expected outcome

The outcome of recommendation to Executive is that a successful consultation is carried out in accordance with legal requirements and that the draft Plan proceeds to examination.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	Nil.	Yes, due to cost recovery through grant funding from government.	Revenue
Next Financial Year (Year 2)	No additional cost with the project expected to be completed.	Not applicable.	Not applicable
Following Financial Year (Year 3)	No additional cost expected with the	Not applicable.	Not applicable

	project expected to be completed		
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Other Financial Information

The council is required to fund the examination and referendum up front, however once the referendum is successfully arranged an application for grant funding of £20,000 can be submitted. In the short term the recommendation of this report can be met from existing revenue budget.

Once a neighbourhood development plan is made (adopted), the parish council will benefit from receipt of 25% of the revenues from the Community Infrastructure Levy arising from the development that takes place in their area. This reflects a 10% increase on the 15% available to parish councils where there is no neighbourhood plan in place.

Stakeholder Considerations and Consultation

Consultation to be carried out for minimum 6 weeks as set out in main body of text.

Public Sector Equality Duty

An Equalities Impact Screening Report Form is set out in Appendix D to the report.

Climate Emergency – This Council has declared a climate emergency and is committed to playing as full a role as possible – leading by example as well as by exhortation – in achieving a carbon neutral Wokingham Borough by 2030

The submission Plan includes a range of policies which provide additional detail to complement policies in the Core Strategy (2010) and Managing Development Delivery (MDD) local plans. Specific policies include maximising opportunities for walking and cycling, protecting and enhancing existing green infrastructure assets and sustainable design and construction.

List of Background Papers

Appendix A: Twyford Draft Neighbourhood Plan ***(Due to the size of this document it is not included in the agenda but can be made available on request through Democratic Services or through the website as a background paper)***

Appendix B: Twyford Draft Neighbourhood Plan - Housing Needs Assessment

Appendix C: Twyford Draft Neighbourhood Plan - Design Guidelines and Codes

Appendix D: Equalities Impact Screening Report Form

Other relevant non-background papers are also available on request, for example:

- Basic Conditions Statement
- Consultation Statement

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